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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,347	03/04/2002	Alexander Medvinsky	018926-007500US	7720

7590 05/16/2006

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EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,347	Applicant(s) MEDVINSKY ET AL.	
	Examiner Samson B. Lemma	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 20 and 21 is/are allowed.
- 6) ☐ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01 & 03, 2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on November 03, 2005 and response to the restriction filed on February 24, 2006. Applicant's election of Group I (**claims 1-5,7-13 and 20-21**) in the reply filed on February 24, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Thus claims **1-5,7-13 and 20-21** are examined. Claims 1 and 20 are independent claims.

Response to Arguments

2. Applicant's remark/arguments filed on November 03, 2005, for claims 1-5 and 7-13 have been fully considered but they are not persuasive. And Applicant's arguments filed on November 03, 2005 referring to the claims **20-21** have been considered but are moot in view of allowance.

Applicant's first argument is referring to the amended independent claim

1.

Applicant argued that the newly added limitation on claim 1 is not suggested/discussed by **the reference** on the record, namely Peterka. Applicant argued that the limitation that is recited as "**wherein the caching server and the consumer system are configured to exchange a plurality of encrypted control messages to be used in transferring the requested content**" is not disclosed/taught by the Peterka reference.

Examiner disagrees with the above argument.

Examiner would point out that Peterka on paragraph 0066 discloses the following, " If all rules are satisfied, the caching server will grant access to the

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requested content by delivering the content encryption key via the program key, e.g. the program key is delivered to the client using his unique key while the content key is encrypted under the program key” which meets the limitation of **the caching server and the consumer system are configured to exchange a plurality of encrypted control messages to be used in transferring the requested content”**

Therefore all the elements of the limitation in independent claim 1 is explicitly or implicitly suggested and disclosed by the reference on the record and the rejection remains valid until the claims are amended and overcome the rejection without introducing a new matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5 and 7-13** are rejected under 35 U.S.C. 102(e) as being anticipated by **Peterka**. (hereinafter referred as **Peterka**) (U.S. Publication number: 2002/0172368A1), **which Claims Priority from Provisional Application No 60,243,925 filed on October 26, 2000)**

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5. **As per claim 1 Peterka** discloses a rights management system for securely delivering content to authorized consumers, the system comprising:

A content provider;[Figure 19, "1904"]

A consumer system configured for requesting content from the content provider[figure 19, 1908; Paragraph 0141, lines 8-9] (**the client request the program content form the origin content server**) ; wherein the content provider [Figure 19, "1904"] is configured for generating a session rights object ["Content Rules"] for accessing the content [Paragraph "0139"] (**The rules/session right object is generated/distributed to the caching server from the content provider/origin server**);

A KDC (key distribution center) [Figure 19, "1920"] configured for providing authorization data [Paragraph 0136, "ticket", line 2] for use in accessing the content[Paragraph 0136, lines 1-4](**A client registers with authorization center/Key distribution center, 1920 and get authorization data/ticket from KDC, for accessing the content**) ;

A caching server configured for comparing information in the session rights object with the authorization data [Paragraph 0139, lines 2-6]; and

Wherein the caching server is configured for forwarding the requested content to the consumer system if the information matches the authorization data [Paragraph 0142, the last 5 lines and figure 21, reference 2160, paragraph 0066] and wherein the caching server and the consumer system are configured to exchange a plurality of encrypted control messages to be used in transferring the requested content [Paragraph 0066] (**Peterka on paragraph 0066 discloses the following, " If all rules are satisfied, the caching server will grant access to the requested content by delivering the content encryption key via the program key, e.g. the program key is delivered to the client using his unique key while the content key is encrypted under the program key"**)

which meets the limitation of the caching server and the consumer system are configured to exchange a plurality of encrypted control messages to be used in transferring the requested content”)

6. **As per claims 2-3 Peterka** discloses a rights management system for securely delivering content to authorized consumers as applied to claims above. Furthermore Peterka discloses the system wherein the consumer system is redirected to the caching server to receive the requested content [figure 19, Paragraph 0142, the last 5 lines and figure 21, reference 2160].

7. **As per claim 4 Peterka** discloses a rights management system for securely delivering content to authorized consumers as applied to claims above. Furthermore Peterka discloses the system wherein the caching server employs real time streaming for securely forwarding the encrypted content.[paragraph 0043]

8. **As per claim 5 Peterka** discloses a rights management system for securely delivering content to authorized consumers as applied to claims above. Furthermore Peterka discloses the system wherein the requested content is encrypted for forwarding to the consumer system.[paragraph 0066]

9. **As per claims 7-8 Peterka** discloses a rights management system for securely delivering content to authorized consumers as applied to claims above. Furthermore Peterka discloses the system wherein the control messages are authenticated/encrypted.[Paragraph 0146, last 2 lines; paragraph 0066]

10. **As per claim 9 Peterka** discloses a rights management system for securely delivering content to authorized consumers as applied to claims above. Furthermore Peterka discloses the system wherein the Key distribution center distributes cryptographic keys, the Key distribution center employing a blend of symmetric and

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public algorithms for distributing the cryptographic keys. [Paragraph 0095 and paragraph 0094-0104]

11. **As per claims 10-13 Peterka** discloses a rights management system for securely delivering content to authorized consumers as applied to claims above. Furthermore Peterka further comprising a key management protocol is used for establishing keys between the caching server and the consumer system. [paragraph 0066]

Allowable Subject Matter

12. **Claim 20** is allowed.
13. The dependent **claims 21** which are dependent on the above independent claim 20, being further limiting to the independent claims, definite and enabled by the specification is also allowed.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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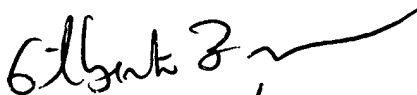
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.
May 02, 2006


GILBERTO BARRON JR.
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